

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IRON MOUNTAIN INTELLECTUAL  
PROPERTY MANAGEMENT, INC.

Interpleader-Plaintiff,

v.

FIDELITY INFORMATION  
SERVICES, INC., f/k/a  
ALLTEL INFORMATION SERVICES,  
INC., and TOYOTA MOTOR CREDIT  
CORPORATION,

Interpleader-Defendants.

Civil Action  
No. 05-10018-RGS

**Request for ex parte  
consideration**

**Request for special action**

**APPLICATION FOR TEMPORARY RESTRAINING ORDER**

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, Interpleader Defendant, Toyota Financial Services, Inc. ("TFS"), respectfully moves the Court to issue a temporary restraining order requiring Iron Mountain Intellectual Property Management, Inc. ("Iron Mountain") to release the ALS-COM source code (aka OSCAR software) immediately to TFS. The grounds for this application are that Fidelity Information Services has failed to fulfill its contractual obligations in supplying TFS with a working software system, as well as support for that system, which inactions entitle TFS to a release of the OSCAR software under the governing contract provisions.

A memorandum of law is submitted in support of this application. TFS also relies on the declarations of Christine Gallucci and Mark Scarsi.

TFS has provided both Iron Mountain and Fidelity Information Services with notice of this application.

WHEREFORE, TFS respectfully requests that the Court issue the requested temporary restraining order.

**REQUEST FOR ORAL ARGUMENT**

TFS requests oral argument on this application. TFS believes that oral argument will assist this Court, and it wishes to be heard.

Dated: January 6, 2005

Toyota Financial Services

By its attorneys,

s/David B. Chaffin  
(BBO No. 549245)  
HARE & CHAFFIN  
160 Federal Street  
Boston, Massachusetts 02110  
(617) 330-5000

Of Counsel:

Mark C. Scarsi  
Timothy M. Martin  
O'MELVENY & MYERS, LLP  
400 South Hope Street  
Los Angeles, California 90071-2899  
(213) 430-7800

**Certificate of Consultation**

Pursuant to Rule 7.1(A) of the Local Rules of this Court, I certify that we attempted to confer to resolve or narrow the issues presented by this motion but were unable to do so.

s/Mark C. Scarsi

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**[PROPOSED] TEMPORARY RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**

Having heard this matter and for good cause shown, the Court hereby ORDERS:

Iron Mountain Intellectual Property Management, Inc. ("Iron Mountain") through its officers, agents, servants, employees, affiliates and attorneys, is hereby required to deliver an electronic copy of the ALS-COM source code to Toyota Financial Services ("TFS") within twenty-four (24) hours.

Iron Mountain and Fidelity Information Services are further hereby ORDERED to show cause at \_\_\_\_\_ on \_\_\_\_\_, in the courtroom of the Honorable Richard G. Stearns, located at One Courthouse Way, Boston, Massachusetts, why TFS shall be required to return the

ALS-COM source code to Iron Mountain pending trial of this action.

IT IS SO ORDERED.

Dated: January \_\_\_\_, 2005

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Honorable Richard G. Stearns  
United States District Judge